

Children and Family Services
Foster Care

Kinship Guardianship Assistance Payment Program (Kin-GAP)

The Kinship Guardianship Assistance Payment (Kin-GAP) was established by Senate Bill 1901 (Chapter 1055, Statutes of 1998). The Kin-GAP Program became available to those children exiting the juvenile court dependency system on or after January 1, 2000 to live with a relative legal guardian.

The intent of the legislation is meant to provide an option in a continuum of choices for the relative, the agency and the courts in order to allow the most appropriate permanency plan for dependent children. The Kin-GAP Program offers a subsidy to children who leave the juvenile court dependency system to live with a relative legal guardian. The subsidy is 100% of the basic foster care rate, based upon age, with no specialized care increment or clothing allowance. Therefore, exiting to the Kin-Gap Program for children with special needs may not be in their best interest.

Movement to Kin-GAP is not automatic. The court, with a recommendation from the county social worker, has discretion regarding whether termination of dependency is in the child's best interest. *Relative caregiver's participation in Kin-GAP is strictly voluntary, and not mandated by any regulations or statutes.* Each family's situation is unique, therefore the decision regarding a child's permanent plan must be mutual between the county and the relative in order to ensure that the alternative chosen will be successful.

In order for a county social worker to recommend that a child exit foster care and receive Kin-GAP, the proposed relative guardian must be assessed according to the criteria in Welfare and Institutions Code Section 361.3 if the relative was assessed for foster care placement before January 1, 1999.

For more detailed information regarding the Kin-GAP Program please refer to **Publication 372**. link: www.dss.cahwnet.gov/pdf/kingap.pdf

The Basic Eligibility Requirements for Kin-GAP are:

- Child must have resided with the relative caregiver for at least twelve (12) consecutive months in a court-ordered placement, i.e., dependent child placed in the home through foster care.
- Legal Guardianship must be established with the relative caregiver.
- Dependency must be dismissed at the same time or after the establishment of the Legal Guardianship by the Juvenile Court.

For more information regarding your rights and responsibilities please refer to **Form KG 2A** link: (www.dss.cahwnet.gov/pdf/kg2a.pdf) and **Form SOC 369** link: (www.dss.cahwnet.gov/pdf/soc369.pdf)

Kin-GAP Questions and Answers

1. How is Supplemental Security Income/State Supplementary Payments (SSI/SSP) treated in Kin-GAP?

Pursuant to Eligibility and Assistance Standards (EAS) Manual, Section 82-832.1(e), a person who receives SSI/SSP is excluded by law from any assistance unit. Therefore, a child who receives SSI/SSP is not eligible for a Kin-GAP payment.

2. How are Social Security Benefits treated in Kin-GAP?

Pursuant to EAS Manual, Section 44-113.3 and 44-133.1, Social Security Survivor's Benefits are unearned income to the Assistance Unit (AU). Consequently, Social Security Survivor's Benefits paid to a Kin-GAP child is income to the child and is counted in total as a dollar for dollar reduction against the Kin-GAP payment.

Pursuant to EAS Manual, Section 44-101.6, 44-111.23, and 44-113.214, Social Security Disability Benefits, which are based on the parent's disability, are disability-based unearned income and are subject to the \$225.00 disregard. Therefore, Social Security Disability Benefits paid to a Kin-GAP child are income to the child and must be treated in accordance with the \$225.00 disregard regulations, 44-111.23 and 44-113.214.

3. Can Kin-GAP children have dedicated accounts for college like CalWORKS?

Kin-GAP children may have dedicated accounts. These accounts can be utilized to save money for the purchase of a home, to pay for education or training, or to start a new business.

4. Does a Kin-GAP child get automatic birthday increases?

Yes. As in foster care, when a child has a birthday which puts him/her in a higher age bracket, an automatic increase to the basic rate is granted.

Additional Question & Answer's can be referenced with **ACL No. 01-64**

link: (www.dss.cahwnet.gov/getinfo/aclo1/adflo1-64.pdf) , dated September 10, 2001.

For additional information contact the following:

For Policy issues:

Kinship Care Policy and Support Unit
Child and Youth Permanency Branch
Branch

744 P Street, MS 14-66
Sacramento, CA 95814
(916) 657-1858

[link : \(myrna.hernandez.ca.gov\)](mailto:myrna.hernandez@ca.gov)

For Eligibility issues:

Funding Eligibility Unit
Foster Care Audits and Rates

744 P Street, MS 9-74
Sacramento, CA 95814
(916) 651-9158

[link : \(www.childsworld.ca.gov/fostercare1412.htm\)](http://www.childsworld.ca.gov/fostercare1412.htm)